IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8006 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GSRTC

Versus

HABIBSHA KABIRSHA DIWAN

Appearance:

MR HS MUNSHAW for the Petitioner.

MR GK RATHOD for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 12/08/2002

ORAL JUDGEMENT

Rule. Mr.G.K. Rathod, learned Advocate, waives service of rule for the respondent.

With the consent of the parties, the matter is finally heard today.

The petitioner-Corporation has challenged the order passed by the Presiding Judge, Labour Court, Vadodara, dated 17.10.2000. By the same, the recovery application of the respondent-workman is allowed and it is ordered that he should be paid Rs.24,513/-. The said order is passed in Recovery Application No.100 of 1998. The said order is challenged by the S.T. Corporation.

Both the sides have left the question of fixing the quantum to this Court.

Mr.Munshaw says that, according to him, only Rs.10,000/- is legally payable by the Corporation as per its calculation.

Mr.Songera for Mr.Rathod has also left the decision of quantum to this Court.

In the facts and circumstances of the case, and considering the concession given by the S.T. Corporation, according to which only Rs.10,000/- is required to be given, and in view of the fact that the parties have left the decision of fixing the quantum to the Court, instead of Rs.24,513/-, the respondent will be entitled, in all, to Rs.12,000/-. The said amount may be paid on or before 31st August, 2002. If the payment is not made on or before 31st August, 2002, the S.T. Corporation is directed to make the payment with interest at the rate of 12% per annum.

A copy of this order may be made available to the Advocate of the S.T. Corporation latest by 14th August, 2002.

The petition is disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

12th August, 2002 (P.B. Majmudar, J.)

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(apj)